

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**DAVID STEBBINS,**

**Plaintiff,**

**v.**

**RELIABLE HEAT & AIR, LLC, et al.,**

**Defendants.**

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**Case No. 10-3305-CV-S-RED**

**ORDER**

Pending before the Court is Mr Stebbins's Motion to Appoint Counsel (Doc. 8). "[T]he court may, pursuant to 28 U.S.C. § 1915, 'request' an attorney to represent a party if, within the court's discretion, the circumstances are such that would properly justify such a request." *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982) (citing *Peterson v. Nadler*, 452 F.2d 754, 757 (8th Cir. 1971)). The factors to be considered by the district court in determining whether to appoint counsel in a civil case are the factual and legal complexity of the case, the ability of the plaintiff to present his claim, and the plaintiff's good faith efforts to retain counsel. *In Re Lane*, 801 F.2d 1040, 1043-44 (8th Cir. 1986). The court has reviewed the pleadings and documents Mr. Stebbins has filed. This does not appear to be a factually or legally complex case, and Mr. Stebbins has given the Court no reason to believe that he lacks the ability to present his claims. Accordingly, Mr. Stebbins' Motion (Doc. 8) is **DENIED**.

**IT IS SO ORDERED.**

DATED: November 4, 2010

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT